



W.P(MD)No.22730 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.22730 of 2022
and
W.M.P(MD)No.16880 of 2022

The General Manager
Tamil Nadu State Transport Corporation
Madurai Ltd., Madurai Region,
(Madurai Division) Limited,
Bye Pass Road,
Madurai – 10.

... Petitioner(s)

vs.

1.The Special Joint Commissioner of Labour,
O/o. Commissioner of Labour,
Chennai – 600 006.

2. U.Arivalagan

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 15.04.2021 passed by the 1st respondent in A.P.No. 220 of 2012 as illegal and quash the same.

For Petitioner : Mr.J.Senthil Kumariah



W.P(MD)No.22730 of 2022

WEB COPY

For R1

: Ms.K.Shivashankari, Counsel for State

For R2

: Mr.G.M.Xavier

ORDER

Assailing the order dated 15.04.2021 passed by the first respondent in A.P.No. 220 of 2012, the present writ petition has been filed by the petitioner/Transport Corporation.

2. The case of the petitioner/Transport Corporation is that the second respondent was employed as a Conductor in the petitioner's Corporation. He remained unauthorisedly absent from duty with effect from 05.02.2011. Consequently, a charge memo was issued to him. Upon affording him an opportunity to participate in the domestic enquiry, an order of dismissal from service came to be passed on 07.08.2012. Thereafter, the petitioner Corporation filed an approval petition under Section 33(2)(b) of the Industrial Disputes Act, 1947, on 10.08.2012. The said approval petition was dismissed by the first respondent on the ground that, although the second respondent had been afforded an opportunity to cross-examine the management witnesses, no opportunity had been provided to him to examine witnesses on his behalf. Aggrieved by the said



W.P(MD)No.22730 of 2022

WEB COPY order, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the first respondent ought to have considered the approval petition in the light of the principles laid down by the Hon'ble Supreme Court in ***Lalla Ram v. D.C.M. Chemical Works Ltd.***, reported in AIR 1978 SC 1004. According to the learned counsel, out of the five guidelines laid down by the Hon'ble Supreme Court for considering an approval petition under Section 33(2)(b) of the Industrial Disputes Act, the petitioner Corporation had satisfied four guidelines. However, the first respondent rejected the approval petition solely on the ground that no opportunity had been afforded to the second respondent to examine witnesses on his side.

4. The learned counsel for the petitioner further submitted that the second respondent had entered the services of the petitioner Corporation only in the year 2009 and had rendered service for about two and a half years. Even during the said period, he was a habitual absentee. In such circumstances, the order of dismissal was justified and the first respondent ought to have granted approval. He therefore prayed for allowing the writ petition.



W.P(MD)No.22730 of 2022

WEB COPY

5. Per contra, the learned counsel appearing for the second respondent submitted that the order of dismissal had been passed without affording the second respondent a reasonable opportunity to defend himself by adducing evidence on his behalf. He further contended that the punishment of dismissal imposed for unauthorised absence is grossly disproportionate to the alleged misconduct. He therefore prayed for dismissal of the writ petition.

6. Heard the learned counsel for the parties and perused the materials available on record.

7. Considering the stand taken by the learned counsel appearing for the company as also the second respondent/workman and also turning the attention of this Court to the extent of service put in by the second respondent, this court, in the interests of justice, deems it fit and proper to fix the base compensation at Rs.75,000/- (Rupees Seventy-Five Thousand only) to the second respondent towards full and final settlement of all his claims arising out of the dispute. The said amount shall be paid by the Management Corporation within a



W.P(MD)No.22730 of 2022

WEB COPY

period of twelve (12) weeks from the date of receipt of a copy of this order, failing which the amount shall carry interest at the rate of 6% per annum from the expiry of the said period till the date of payment.

8. This writ petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

30.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN

To

1.The General Manager
Tamil Nadu State Transport Corporation
Madurai Ltd., Madurai Region,
(Madurai Division) Limited,
Bye Pass Road,
Madurai – 10.

2.The Special Joint Commissioner of Labour,
O/o. Commissioner of Labour,
Chennai – 600 006.

5/6



WEB COPY



W.P(MD)No.22730 of 2022

M.DHANDAPANI,J.

PKN

**ORDER MADE IN
W.P(MD)No.22730 of 2022**

DATED : 30.06.2026